



ARIZONA STATE SENATE
Fifty-Fifth Legislature, First Regular Session

FACT SHEET FOR S.C.R. 1034

voter protection act; court determinations

Purpose

Subject to voter approval, allows the Legislature to amend, supersede or appropriate or divert funds created by an initiative or referendum measure approved by the voters if the measure is found to be illegal or unconstitutional by the Arizona Supreme Court or U.S. Supreme Court.

Background

The Arizona Constitution grants the people the power to: 1) propose laws and amendments to the Constitution; 2) enact or reject laws and amendments at the polls, independent of the Legislature; and 3) approve or reject any item, section or part of any act of the Legislature at the polls. The initiative power allows 10 percent of the qualified electors to propose any measure and 15 percent of qualified electors to propose any amendment to the constitution. Additionally, the referendum power allows five percent of qualified electors to refer any measure, item, section or part of a measure enacted by the Legislature, except those immediately necessary for the preservation or the public peace, health or safety or for the support and maintenance of departments of the state government and institutions, to the ballot ([Ariz. Const. art. 4, pt. 1, § 1](#)).

In 1998, voters approved the Voter Protection Act (Proposition 105), which prohibited the Legislature from amending an initiative or referendum, diverting funds created by an initiative or referendum or adopting a measure that supersedes an initiative or referendum, unless the amendment, diversion or superseding measure: 1) furthers the purpose of the initiative or referendum; and 2) is approved by at least three-fourths of Members of each legislative chamber. Additionally, Proposition 105 prohibited the Legislature from vetoing or repealing an initiative or referendum measure approved by the voters ([Proposition 105](#)).

There is no anticipated fiscal impact to the state General Fund associated with this legislation.

Provisions

1. Allows the Legislature, if an initiative or referendum measure approved by the voters is found to contain illegal or unconstitutional language, as determined by the Arizona Supreme Court or U.S. Supreme Court, to do any of the following without furthering the purpose of the initiative or referendum or receiving a three-fourths vote of the Members of each legislative chamber:
 - a) amend the initiative or referendum measure;
 - b) appropriate or divert funds created by the initiative or referendum measure; or
 - c) adopt a measure that supersedes the initiative or referendum measure.
2. Makes technical changes.
3. Requires the Secretary of State to submit the proposition to the voters at the next general election.
4. Becomes effective if approved by the voters and on proclamation of the Governor.